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Counsel for Plaintiff

X Corp.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

X CORP., a Nevada corporation,

Plaintiff,

v.

BRIGHT DATA LTD., an Israeli corporation,

Defendant.

Case No. 3:23-cv-03698-WHA

**PLAINTIFF X CORP.'S RESPONSE TO
ORDER TO SHOW CAUSE**

Judge: Hon. William H. Alsup

Date: January 30, 2025

Time: 8:00 a.m.

Crtrm: 12, 19th Floor

1 X Corp. (“X”) respectfully submits this response to the Court’s January 28 Order to Show
2 Cause (Dkt. 174). In light of the Court’s concerns and to avoid any further dispute over service, X
3 has now accepted service of the subpoena directed to Mr. Musk.

4 X’s opposition to Bright Data’s motion for alternative service was rooted in broader
5 institutional concerns, rather than any effort to obstruct these proceedings. Mr. Musk is a public
6 figure who is the target of many lawsuits and non-party subpoenas. Litigants often attempt to serve
7 Mr. Musk through X, much like Bright Data did here. To protect the legal separateness of Mr.
8 Musk and X and to avoid being inundated with service requests targeting Mr. Musk and his
9 personal files, the company’s general practice is not to facilitate service of process intended for Mr.
10 Musk in his personal capacity. Those institutional concerns, rather than any desire to withhold
11 professional courtesies, motivated X’s position in this case. That was especially true given X’s
12 concerns about the timing and intrusiveness of the subpoena, which counsel communicated.

13 That said, X appreciates the Court’s concerns and has taken steps to resolve them. As we
14 informed Bright Data this morning, undersigned counsel for X has now been authorized to accept
15 email service of the revised subpoena on Mr. Musk. That acceptance is for the limited purpose of
16 resolving this service dispute and does not imply any agreement with Bright Data’s suggestion that
17 X is Mr. Musk’s alter ego or is otherwise an appropriate way to accomplish service on him in the
18 ordinary course. X’s agreement is also without prejudice to any other rights or objections Mr. Musk
19 may have to the subpoena, including any “motions by the respondent to quash.” Dkt. 163 at 2.

20 Counsel laments giving the Court any impression of incivility and is committed to observing
21 appropriate standards of professional courtesy. Given that X has accepted service, X does not
22 believe that any of the other proposals identified in the Court’s January 28 Order are warranted. X
23 will be prepared to address these matters further, if necessary, at the January 30 hearing.

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DATED: January 29, 2025

Respectfully submitted,

**KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK, P.L.L.C.**

By: /s/Joshua D. Branson

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